

## **REMARKS**

This responds to the Office Action mailed on April 17, 2009.

Claims 21-23 and 33-35 are amended, no claims are canceled, and no claims are added; as a result, claims 21-45 are now pending in this application.

### **Interview Summary**

Applicants thank Examiner Frenel for the courtesy of a telephone interview on August 26, 2009 with Applicants' representative Gregory M. Stark (Reg. No. 62,731).

The primary focus of the interview concerned review of a proposed 1.132 Declaration to submit evidence of reduction to practice at least prior to February 15, 2000. While no agreement was reached as to the persuasiveness of the evidence, Applicants greatly appreciate the feedback provided by Examiner Frenel. The 1.132 Declaration included with this response contains the evidence reviewed with Examiner Frenel.

### **Amended Claims**

Applicants have amended claims 21-23 and 33-35 to resolve minor antecedent basis problems and clarify potentially ambiguous terminology. For example, claim 21 previous recited "a first criteria" and known properly recites "a first criterion." Applicants respectfully submit that no new matter has been introduced by these amendments. Accordingly, Applicants respectfully request entry of the amendments and reconsideration of the claims in light of the remainder of this response.

### **§ 103 Rejection of the Claims**

Claims 21-45 were rejected under 35 U.S.C. § 103(a) as being obvious over Vaidyanathan et al. (U.S. Publication No. 2004/0059596, hereinafter, "Vaidyanathan") in view of Campbell (U.S. Publication No. 2001/0041993, hereinafter "Campbell"). Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants submit that claims 21-45 are patentable over Vaidyanathan, whether considered separately or in combination with Campbell, because Vaidyanathan is not prior art

with respect to the above-identified application. A Declaration under 37 C.F.R. § 1.132 is submitted herewith, which demonstrates an actual reduction to practice date earlier than the effective date of Vaidyanathan of February 15, 2000.

Accordingly, Applicants respectfully request withdrawal of this ground of rejection, reconsideration, and allowance of claims 21-45.

### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6904 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 17 September 2009 By /Gregory M. Stark/  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of September, 2009.

Chris Bartl  
Name

  
Signature